

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	Case No. 4:97cr8
	§	(Judge Crone)
DONNIE LAVETT JOHNSON (1)	§	

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 10, 2011, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Maureen Smith.

On July 24, 1997, Defendant was sentenced by the Honorable Howell Cobb to two hundred and thirty-five (235) months on each count followed by five (5) years of supervised release for count one and ten years of supervised release for count two. Count one charged Defendant with the offense of Possession with Intent to Distribute Cocaine Base and count two charged Defendant with the offense of Possession with Intent to Distribute Crack within 1,000 feet of Public Housing/Playground. Pursuant to a Rule 35(b) motion, the imprisonment term was reduced to one hundred and twenty-five (125) months. On April 15, 2008, Defendant completed his period of imprisonment and began service of his supervised term. On February 12, 2008, this case was reassigned to the Honorable Marcia A. Crone.

On October 28, 2011, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory condition: the defendant shall refrain from any unlawful use of a controlled substance. All other

allegations were dismissed by the Government.

The petition alleges that Defendant committed the following acts: On October 14, 2011, Defendant admitted to using marijuana on or about October 10, 2011, and ecstasy sometime prior to October 14, 2011.

Prior to the Government putting on its case, Defendant entered a plea of true to the violation. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of thirteen (13) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 14th day of November, 2011.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE